

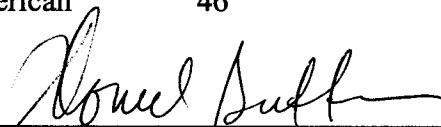
Yekeen Bello v. Bank of America Corporation, Civil Action No. AMD 03-CV-493
Defendant's Memorandum in Support of its Motion for Summary Judgment
EXHIBIT 5
Affidavit of Doniel Sutton

AFFIDAVIT OF DONIEL SUTTON

I, Doniel Sutton, do hereby depose and swear as follows:

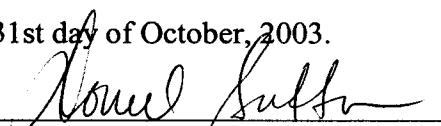
1. I am a witness of lawful age. I have personal knowledge of and am competent to testify to the matters stated in this affidavit.
2. I am currently a Personnel Manager with Bank of America (the "Bank"). In this position, I am responsible for, among other things, assist Bank management and associates in personnel issues. I have particular responsibility for Transactions Services. In this position, I am also familiar with and have access to the Bank's personnel records.
3. I have reviewed the Banks records and have identified the race and age in June 2002 of the following current and former associates. The Bank does not track or record the national origin of its associates.

Name	Race	Age on June 12, 2002
Jennett Benda	Caucasian	46
Russell Callaway	African American	20
Regina Carter	African American	38
Tamara Jeffrey	African American	23
Ariel Johnson	African American	19
Dwight Jones	African American	39
Joyce Mapp	African American	49
Linda Napora	Caucasian	38
Diana Raymond	Caucasian	21
Sherillyn Rush	African American	37
Patricia Obi	African American	46



Doniel Sutton

Pursuant to 28 U.S.C. Section 1746, I declare under the penalty of perjury that the foregoing is true and correct. Executed this 31st day of October, 2003.



Doniel Sutton